

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DISTRICT**

EDEN ROGERS and  
BRANDY WELCH,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;

XAVIER BECERRA, in his official capacity as  
Secretary of the UNITED STATES  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES;

ADMINISTRATION FOR CHILDREN AND  
FAMILIES;

JOOYEUN CHANG, in her official capacity as  
the Senior Official Performing the Duties of the  
Assistant Secretary of the ADMINISTRATION  
FOR CHILDREN AND FAMILIES;

JOOYEUN CHANG, in her official capacity as  
Principal Deputy Assistant Secretary of the  
ADMINISTRATION FOR CHILDREN AND  
FAMILIES;

HENRY MCMASTER, in his official capacity  
as Governor of the STATE OF SOUTH  
CAROLINA; and

MICHAEL LEACH, in his official capacity as  
State Director of the SOUTH CAROLINA  
DEPARTMENT OF SOCIAL SERVICES,

Defendants.

Case No.: 6:19-cv-01567-JD

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' MOTION FOR  
RELIEF FROM MEDIATION  
ORDER**

Plaintiffs agree that mediation in this case would be unproductive because  
settlement of Plaintiffs' claims against State Defendants is not feasible, and Plaintiffs and

Federal Defendants are in discussions to determine whether a resolution of the claims between them is feasible and agree that having an appointed mediator will not assist in those efforts. Plaintiffs were unable to join or consent to State Defendants' motion for relief from the mediation order (ECF No. 209), however, because State Defendants insisted on including argumentative, slanted and unnecessary language concerning the course of discovery that is irrelevant to the issue of mediation. Plaintiffs objected to the description because, as State Defendants know, Plaintiffs are requesting that this Court reopen discovery for 60 days due to State Defendants' failure to abide by its discovery obligations. State Defendants' discussion of the discovery timeline in its motion for relief simply previews its opposition to Plaintiffs' request. Plaintiffs requested that State Defendants remove such language, and State Defendants refused. Plaintiffs then proposed a modification to the disputed language, and State Defendants informed Plaintiffs on Friday that they would be unwilling to make any changes to the language, which State Defendants characterized as "necessary". Because State Defendants were unwilling to compromise on the contents of what was purportedly a joint motion, Plaintiffs were left with no choice but to decline to join or consent to the motion and to file this separate response.

February 28, 2022

s/Nekki Shutt

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